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PATENT
Atty. Docket No. ACX-103CN2CP2
(180/12)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Lazarus *et al.*

USSN: 09/300,137

GROUP NUMBER: 2834

FILING DATE: 4/27/99

EXAMINER: Budd, M.

TITLE: *Packaged Strain Actuator*

RESPONSE TO RESTRICTION REQUIREMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

This paper is responsive to the Office Action mailed on May 22, 2000, in the above-identified patent application. For the reasons discussed below, Applicants respectfully request reconsideration and withdrawal of the restriction requirement made in the Office Action. A petition and fee for a one-month extension of time is enclosed herewith.

Remarks

Claims 1-21 are pending in the application. The Examiner has required restriction of the application to claims in one of two groups as set forth in the Office Action. In response to the restriction requirement, Applicants elect, with traverse, Group I, corresponding to claims 1-20.

Applicants' traversal is based upon the belief that examination of all of claims 1-21 would not impose a serious burden on the Examiner. For example, a search for actuators, as recited in claims 1-20, would produce art, if any, relating to methods for forming an actuator, as recited in claim 21.

Section 803 of the Manual of Patent Examining Procedure states that "[i]f the search and examination of an entire application can be made without serious burden, the Examiner must examine the entire application on the merits, even though it includes claims to independent or

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distinct inventions.” Applicants respectfully submit no serious burden exists in this case since one search would reveal any art relating to both actuators, and methods for forming an actuator. Accordingly, Applicants believe that the restriction requirement is improper and should be withdrawn.

Conclusion


Applicants respectfully request reconsideration of the restriction requirement in view of the foregoing remarks. If the Examiner believes that a conversation with Applicants’ attorney might expedite prosecution of this application, the Examiner is invited to call the undersigned at the telephone number below.

Respectfully submitted,

Date: July 19, 2000
Reg. No. P-46,944

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